

MAR 18 2008

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSE EMILIANO GRAJEDA MENDEZ,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 07-73478

Agency No. A95-635-985

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 10, 2008<sup>\*\*</sup>

Before: T.G. NELSON, TASHIMA and BYBEE, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA") order dismissing petitioner's appeal as moot because the appeal appeared to have been abandoned.

---

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Petitioner raises no challenge to the BIA's conclusion that petitioner abandoned his appeal by failing to provide a current mailing address. *Cf. Toquero v. INS*, 956 F.2d 193, 196 (9th Cir. 1992) (discussing abandonment of appeal to the BIA). Accordingly, we deny in part the petition for review.

Further, we lack jurisdiction to consider petitioner's challenge to the Immigration Judge's denial of petitioner's application for cancellation of removal because petitioner abandoned his appeal and thus, did not exhaust administrative remedies. *See* 8 U.S.C. § 1252(d)(1); *Barron v. Ashcroft*, 358 F.3d 674, 677 (9th Cir. 2004). Accordingly, respondent's unopposed motion to dismiss the petition for review is granted in part.

**PETITION FOR REVIEW DENIED in part; DISMISSED in part.**